

To: Federal Communications Commission www.fcc.gov/cgb/ecfs/
Re: Response To Docket Number 04-232
Date: July 25, 2004

This is in response to the Federal Communication Commission's Notice of Proposed Rulemaking (docket # 04-232) requiring broadcasters to retain recordings of their programming for some limited period of time in order to enhance the FCC's process for enforcing its rules restricting obscene, indecent and profane programming.

The great majority of broadcasters and the public feel as the Commission does. We want to stop indecent programming. However, the proposal to record all programming aired 6am-10pm and save it for a period of either 60 or 90-days would be a tremendous hardship on most broadcasters, especially those in small markets. It would take thousands of dollars per station implement this. The expense in equipment, supplies (tapes, cassettes, discs, hard-drive) along with additional wages has the potential of putting many stations off the air.

As a "small market" broadcaster, I feel that financial investments better serve the public when they fund additional news and other staff that offers broader local coverage for the community. Improved service also comes with new technology that enables a station to simply sound better, to improved internet service with a website that enables the audience to personally interact on local issues that impact our city of license.

Keep in mind that most broadcasters are in this profession because they truly love what they are doing. It is a career in which most broadcasters have grown-up. With that in mind, I think it could be proved that broadcasting is dramatically different from other jobs. As a result of this "love" for the business, most broadcasters really want to do what is right. If you look at the total number of stations, only a small percentage broadcast indecent program material. Therefore, this proposal forces all broadcasters to make a significant investment in something that is not needed. It just seems that the public would be served better if broadcasters continued to expand investments in local programming.

If the Commission requires broadcasters to record all programs aired between 6am-10pm daily (16-hours per day) that translates to 960 hours on a 60-day period or 1,440 hours in a 90-day period. Imagine the amount of computer memory needed to digitally store that much data. Only a very small minority of broadcasters would have the equipment in place needed today to comply with such a regulation. This additional investment comes at a time when the industry is investing in digital technology. Such a regulation has the potential of dramatically slowing down or crippling a transition to IBOC digital transmissions. Both of us, the Commission and broadcasters, are here to best serve the public. Which serves the public best: digital broadcasting and expanded local programming or storage of programs for regulatory purposes?

The Commission, broadcasters and most businesses face "tight budgets" these days. In broadcasting, a forced increase in one area usually creates a decrease in another. The public would be the loser if local content had to be reduced in order to underwrite the expense of program storage.

I share the same feeling as many Commission members in total disgust for the trash that some broadcasters transmit. There may be more effective ways to bring about the end result toward which we both target.

Consider the National Association of Broadcasters re-initiating the "NAB Television Code" and the "NAB Radio Code of Good Practices". Have the NAB partner with state organizations. But go a step farther and have an on-going multi-media campaign urging the public to report concerns in writing, voice mail or e-mail to an entity created by this partnership.

The Commission, national and state broadcast associations have already formed successful marriages that allows the industry to "police itself" in technical areas. Since the majority of broadcasters truly want to give outstanding service to our communities, such a relationship should work even better on program content and indecency. This partnership could also help television broadcasters to properly adhere to children's programming regulations.

As a final thought, I am very concerned with the First Amendment implications that this proposed regulation would have. It steps on "content"—a freedom protected by the First Amendment of our Constitution.

Also, with the FCC being responsible for all sorts of wireless and hardwire telecommunications, do-not-call registry, all types of internet and broadband technologies, Homeland Security, personal radio services, etc...the Commission already has more than a "full plate".

It seems that the time is long overdue for the broadcast industry to form another permanent and on-going relationship with the Federal Communications Commission. This one would use a well thought-out "code of content for acceptable programming content". As noted earlier, the NAB's past codes could be a starting point from which a new one could be modeled. If we all work together as a team, the communities we serve will be the winners!

Respectfully Submitted,

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